

REMARKS

Claims 33-35, as herein amended, are pending. Claims 1-32 have been cancelled without prejudice or disclaimer. Applicant wishes to retain his rejoinder rights to all claims capable of rejoinder, and elect to defer making any required amendments until such time as the pending claims are acknowledged to be patentable.

Applicant notes that after extensive prosecution on the merits of several claims in this application, the Office imposed a restriction requirement in the last Action. Now, the Office makes this Action final, despite the focus of the claims having been limited by the Office to the three pending claims. Applicant respectfully contends that he should be given one action on the merits after making the required election, and thus requests the Office to withdraw the finality of this rejection.

The claims, as amended, fulfill the requirements of 35 U.S.C. §112.

Claims 33-35 stand rejected under 35 U.S.C. §112, first paragraph for failing to satisfy the enablement requirement. The Action acknowledges that the claims are enabled for detecting heterogeneous nuclear ribonucleoprotein A2/B1 RNA in blood plasma or serum in patients with cancers, it asserts that the claims as filed are not enabled throughout their full scope.

Without acquiescing to the asserted grounds of rejection, Applicant has amended his pending claims to recite that his invention is directed to detecting heterogeneous nuclear ribonucleoprotein A2/B1 RNA in human blood plasma or serum from humans with cancers. Applicant's amendment thus addresses the issues raised in the justification for the rejection contained in the Action.

Applicant respectfully contends that these amendments address the bases asserted in the Action in support of the determination that the claims prior to amendment were not enabled. Applicant respectfully disagrees with the assertions contained in the Action, but has amended the claims as set forth herein in the interest of expediting examination of the pending claims to allowance.

Claims 33-35 are further rejected under 35 U.S.C. §112, second paragraph as being indefinite for reciting certain claim language. Applicant respectfully contends that the grounds of rejection asserted against the claims relating to signal amplification are overcome by deleting these embodiments from the claims. Similarly, the grounds of rejection asserted against claims

34 and 35 relating to detecting amplified signals are overcome by deleting these embodiments from the claims.

Applicant thus respectfully contends that these amendments overcome the asserted grounds of rejection, and request the Examiner to withdraw these rejections.

CONCLUSION

Applicant believes that the claims are in condition for immediate allowance, and request that the pending claims be passed to issue.

If Examiner Lu believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,
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